

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHN ASHLEY HALE

PLAINTIFF

V.

CAUSE NO. 3:15-CV-170-CWR-FKB

DR. ROLAND ABANGAN, ET AL.

DEFENDANTS

ORDER

Before the Court are Governor Phil Bryant's motion to dismiss, the Magistrate Judge's Report and Recommendation (R&R) on that motion, and the plaintiff's objection to the R&R.

The Court has reviewed the R&R *de novo*. It agrees that the plaintiff's individual-capacity claims against the Governor must be dismissed. As for the official-capacity claims, however, the motion is denied without prejudice for further briefing on whether Congress' abrogation of Eleventh Amendment immunity for certain Americans with Disabilities Act violations applies to the allegations and relief sought by this plaintiff. *See United States v. Georgia*, 546 U.S. 151, 158-59 (2006).

The objection is sustained in part and overruled in part, the R&R is adopted as modified herein, and the motion to dismiss is granted in part and denied in part without prejudice.

SO ORDERED, this the 30th day of September, 2016.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE